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	5 6 7 8 9	Gene J. Stonebarger, State Bar No. 209461 LINDSAY & STONEBARGER A Professional Corporation 620 Coolidge Drive, Suite 225 Folsom, CA 95630 Telephone: (916) 294-0002 Facsimile: (916) 294-0012 Attorneys for Plaintiff and the Class
	11	UNITED STATE DISTRICT COURT
	12	FOR THE SOUTHERN DISTRICT OF CALIFORNIA
	13 14 15 16 17 18 19 20 21 22	FOR THE SOUTHERN DISTRICT OF CALIFORNIA  ARK WINKLER, on behalf of himself and all)  Case No. 09-cv-1999-BTM-CAB  CLASS ACTION  Plaintiff,  PLAINTIFF'S NOTICE OF  NONOPPPOSITION TO DEFENDANTS'  MOTION TO TRANSFER TO THE  NORTHERN DISTRICT OF  CALIFORNIA PURSUANT TO 28 U.S.C.  § 1404(a)  Defendants.  Defendants.  Defendants.  Defendants.  Oral argument not required  Complaint Filed: September 11, 2009
	23	Plaintiff Does Not Oppose the Motion to Transfer
	24	Plaintiff Mark Winkler submits this notice of non-opposition to Defendants' motion to
	25	transfer to the Northern District of California pursuant to 28 U.S.C. § 1404(a). As addressed in
	26	Defendants' motion, there is a similar putative class action case pending against Defendants in

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essed in the Northern District before the Honorable Maxine M. Chesney, styled as David Levin v. Citibank, N.A., Case No. C 09-00350 MMC. Because Honorable Chesney already rendered key

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rulings in the *Levin* matter, Plaintiff agrees with Defendants' assessment that it would be more efficient and economical for all concerned to have both cases pending before the same court. Moreover, the parties are discussing the possibility of coordinating both cases.

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## <u>Defendants' Pending-Motion to Dismiss Should Be Continued</u> <u>Until After Case is Transferred</u>

Defendants filed a motion to dismiss the complaint concurrently with their motion to transfer venue, which is set to be heard on March 12, 2010. Pursuant to this Court's order on October 26, 2009, Document No. 5, Plaintiff's deadline to oppose the motion is January 29, 2010. Plaintiff discussed the pending motion with Defendants and the parties agree that the pending motion to dismiss, along with Plaintiff's deadline to oppose the motion and Defendants' deadline to reply to any response, should be stayed until after the Court rules on the pending motion to transfer. The parties thus concurrently submit a joint motion and proposed order to effectuate this agreement.

Dated: January 25, 2010

HARRISON PATTERSON & O'CONNOR LLP

By: /s/ Alisa A. Martin

James R. Patterson Alisa A. Martin

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